

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 20, 2008. At the time of the Office Action, Claims 1-33 were pending in this Application. Claims 1-33 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-5 and 7-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0133405 filed by Scott G. Newnam (“*Newnam*”) in view of U.S. Patent 7,380,260 issued to James A. Billmaier et al. (“*Billmaier*”) and further in view of U.S. Patent 7,380,260 issued to Luiz Buchsbaum et al. (“*Buchsbaum*”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 19-23 and 25-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Newnam* in view of *Billmaier*. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Newnam* in view of *Billmaier* and further in view of *Buchsbaum*. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Newnam* in view of *Billmaier*. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580

(C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

All independent claims include the limitation: “*digitizing the sent information transmissions and then transmitting the digitized information transmissions via satellite as IP multicast packets*”

Thus, according to this limitation before transmission via a satellite the information is digitized and converted into IP multicast packets. The Examiner stated that *Billmaier* discloses this limitation. To this end, the citations used by the Examiner with respect to *Billmaier* refer to specific paragraphs such as paragraphs [0053-0057]. However, *Billmaier* does not use paragraph numbering. Even if the paragraphs are counted, the specific cited paragraphs 53-57 do not disclose anything about satellite transmission of IP multicast packets. *Billmaier* neither discloses nor suggests this limitation. According to *Billmaier* a media center extension unit receives merely standard television transmissions via network 103. Fig. 6 of *Billmaier* explains how the media center extension unit converts these standard television transmissions. According to *Billmaier* these television transmissions are merely converted into an MPEG stream 604. *Billmaier*, col. 6, line 59-67. *Billmaier* neither discloses nor suggests to convert the information into IP multicast packets and transmit it via satellite. Applicant respectfully requests the Examiner to use column and line references with respect to *Billmaier* to be able to follow the Examiner’s arguments.

Moreover, all independent claims include the limitation “*installing software on a data processing equipment, like PCs or workplace computers, in which the software, after the data processing device has been connected to the data and/or communications network, permits receiving of the information transmissions and use of at least part of the functions furnished by the information transmission*”

The Examiner stated that *Buchsbaum* allegedly discloses this limitation. Applicant thoroughly studied *Buchsbaum* but could neither find any explicit or implicit disclosure of any type of software installation after a data processing device has been connected to a network. In particular, the entire disclosure of *Buchsbaum* does not even use the term “installing.” Again, the citations used by the Examiner with respect to *Buchsbaum* refer to specific paragraphs. However, *Buchsbaum* does not use paragraph numbering. Even if the paragraphs are counted, the specific cited paragraphs 41 and 32 do not disclose anything about software that is installed after a processing device is connected to a network. Applicant respectfully requests the Examiner to use col. And line references with respect to *Buchsbaum*.

At least for these reasons, the prior art cited by the Examiner does not disclose the claimed limitations. The Examiner failed to explain how the cited prior art can be interpreted to meet the claimed limitations. Hence, Applicant believes that the present independent claims are not rendered obvious by the cited prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of all pending Claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants

A handwritten signature in black ink, appearing to read 'A. Grubert', with a stylized flourish at the end.

Andreas Grubert
Reg. No. 59,143

Date: November 20, 2008

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